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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	
PETER AR-FU LAM	Examiner: Armstrong, Angela A
Serial No. 09/419,752	Group: 2626
Filed: 10/16/99	
For: TABLE FORMAT PROGRAMMING	Docket: ESY2A
Hon. Commissioner of Patents and Trademarks	September 10, 2009
Washington, D.C. 20231	

Interview Summary

Date of Interview: September 2, 2009

Time of interview: 12.00 noon Pacific Time

Format of Interview: Telephone conference

Topics discussed:

1. **Review of background information:**

(a) The core issue: the applicant interpreted the term "programming tool" as a machine or system that interfaces enable a programmer to program a computing device; while the examiner interpreted this term as a software.

(b) In the original specification, page 1 lines 20-21 attached, the term "programming tool" had been interpreted as

> *The present invention relates generally to a programming tool that is designed to interface between programmers and computers.*

The applicant indicated that if "programming tool" is a software without any related supporting hardware, then it cannot become an effective interface that is designed to interface between programmers and computers.

(c) The specification had been amended to recite the definition of "programming tool" to be a tool, machine or any structure that enables a programmer to program a computing device. Supporting ground of the specification amendment are:

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(I) MPEP 2163.07I: Adding art recognized definition into specification is not new matter

(ii) MPEP 2163.07(a): Amendment to recite inherited function, theory or advantage is not new matter. The amendment is an inherited property of page 1, lines 20-21 of the original specification mentioned above.

(d) The amendment of the specification had never been objected and technically, the amended definition of "programming tool" now controls the interpretation of this term according to MPEP 2106 IIC and MPEP 2111.01 IV.

(e) The final office action dated 06/09/2009 was issued based on the assumption that the definition of the term "programming tool" does not has control power over the interpretation of the term "programming tool". The advisory notice indicated the reason was that the amended specification was not originally listed in the specification.

2. Conclusion of interview:

The examiner and the applicant achieved the following mutually agreed conclusion during the telephone interview:

(a) The definition of the term "programming tool" provided in the amended specification controls the interpretation of this term;

(b) If the examiner will withdraw the final rejection dated 06/09/2009.

(c) The examiner will issue an objection to the amendment of specification about the definition of the term "programming tool" if the examiner does not feel this amendment is appropriate.

(d) The applicant had requested the examiner to consider the legal ground supporting the subject amendment of specification, i.e. MPEP 2163.07I and MPEP 2163.07(a) indicated above before issuing an objection to the subject amendment. If the amendment of specification is still to be objected, the examiner is respectfully requested to provide evidence and explain why MPEP 2163.07I and MPEP 2163.07(a), should not be followed, in view that these two MPEP quotations in conjunction with the original specification page 1 lines 20-21 had established the legal ground to support the subject amendment?

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3. Further request of assistance:

During the telephone interview, the applicant had submitted a further request to the examiner that it was the original intention of the subject application to claim a machine, commonly known as "programming tool" enabling a programmer to program a computing device. The term "programming tool" towards the applicant is a very common term of a programming machine similar to that of the term "car" for a person having ordinary knowledge in the automobile industry. The applicant did not think he need to put in great detail description of the term "programming tool" or "car" when filing a patent for an improved version of a programming tool or a car. Accordingly the specification had been focused to provide detail description about the state, path and further improvement tables so as to identify the characteristics differences between the subject programming tool and the other prior art programming machine available in the market. The examiner was further requested to note that the subject "programming tool" disclosed in the specification has inherent function of a machine. If the state, path and further tables are pure data tables such as the regular Excel files, it will not be able to generate codes for execution by a computer as described in the original specification. These tables must be displayed on a screen for a programmer to conduct the programming process. Similar to other programming tools in the market, the subject programming tool must also provide mouse or keyboard to enter or edit data entered into the table described in various parts of the original specification. The programmed tables must also be processed by cooperative hardware and software of the programming tool in order for the claimed programming process to generate codes executable by a computing device. The examiner promised to help and reconsider this request

Respectfully submitted by,



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